

The report of the committee on Privileges and Elections, relative to the election returns for Senator of 22d Senatorial District, was read and adopted.

On motion of Mr. Brashear, the Senate adjourned until 10 o'clock, to-morrow morning.

FRIDAY, 10 O'CLOCK, A. M. November, 9th, 1849.

The Senate was called to order by the President.

Mr. A. H. Phillips, Senator from the 18th district, appeared, presented his credentials and took the oath of office. On calling the roll the following Senators answered to their names:

Messrs. Brashear, Gage, Grimes, Hart, Jones, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Wallace. Quorum present.

The journal of the preceding day was read and adopted.

Mr. McRae presented the petition of Robert Gilletly which was read, and, on motion of Mr. McRae, referred to the committee on Private Land Claims.

Mr. Latimer presented the petition of Edward West, late Sheriff of Red River county, which was read, and, on motion of Mr. Latimer, referred to the committee on Finance.

Mr. Walker presented a petition from the citizens of Dallas county, which was, on motion of Mr. Walker, laid on the table without reading.

Mr. Robertson, from the committee on Privileges and Elections, made the following counter report:

To the HON. JOHN A. GREER,

President of the Senate:

The undersigned, a minority of the committee on Privileges and Elections, to whom was referred the petition of E. M. Pease, (with accompanying documents,) contesting the seat of the Hon. John B. Jones in your body, would respectfully report, that he does not differ in opinion with the report of a majority of said committee, if the positions assumed by them are admitted to be correct, which he cannot do conscientiously, entertaining the ideas he does of the duty imposed upon him by his sworn obligation to support the Constitution. The report of the majority assumes the position that the committee could not take into considera-

tion the certificate offered by said Jones, of his election to the Senate from the county of Galveston, under the constitutional apportionment.

The undersigned believes that the question referred to the committee was, whether or not J. B. Jones is entitled to his seat as a Senator in the third Legislature of this State, and, consequently, that the credentials presented by said Jones were properly before the committee. The refusal of the President of the Senate to receive the credentials of said Jones cannot, it is believed, in the slightest degree affect the legality, or impeach the validity of those credentials, for the Constitution expressly declares that each House shall be the judge of the election and qualification of its own members. How can the Senate judge of the election or qualifications of its members before the Senate itself has been organized? Most clearly, then, there had been no rejection of J. B. Jones' credentials by the Senate, nor had their validity ever been questioned even by any Senator in his place up to the time of the reference of the matter to the committee.

It appears to the undersigned that the grounds taken by the majority of the committee, if carried out, would deprive the Senate of the constitutional right to judge of the qualifications and election of its own members. The undersigned is clearly of opinion that the credentials of John B. Jones were properly and fully before the committee, and that by virtue of said credentials he is legally and constitutionally entitled to his seat in the Senate. The citizens of the Senatorial District, which Mr. Jones claims to represent, have their rights to that representation secured to them by the solemn guarantees of the Constitution of this State; no constitutional change having been made in their Senatorial District.

Aware of the great and momentous principles involved in these questions, the undersigned, with great diffidence, submits to the honorable Senate this report.

J. B. ROBERTSON,
The Minority of the Committee.

Mr. Grimes introduced a bill to be entitled an act to amend an act regulating fees of office, passed 20th March, 1848; read first time.

Mr. Walker introduced a joint resolution proposing an amendment to the Constitution of the State of Texas; read first time.

Mr. Wallace introduced a bill to be entitled an act to amend the act to incorporate the town of San Augustine; read first time.

Mr. Gage introduced a preamble and joint resolutions instruct-

ing our Senators and requesting our Representatives to urge upon the Congress of the United States the passage of a law for the removal of Indians; read first time.

Mr. Wallace offered the following resolution:

Resolved, That the Governor of the State be requested to transmit to the Senate thereof, copies of all correspondence between himself and the President, or any department of the Government or any officer or agent of the United States, and between himself and the Judge or District Attorney of the 11th judicial district of this State, relative to that portion of the public domain of the State of Texas, including the whole or any part of the county of Santa Fé in said State; adopted.

Mr. Truit offered the following resolution:

Resolved, That so much of the message of the Governor as relates to a division of the Supreme Court, so as to hold a session in the east, in the middle, and in the west, be referred to the Judiciary Committee, with instructions to take the same under consideration and report by bill or otherwise, as they may think proper; adopted.

Senate proceeded to the

ORDERS OF THE DAY.

Resolution requiring the President to appoint a standing committee on Federal Relations; read and adopted.

Resolution to raise a committee on Apportionment was read, and on motion of Mr. Portis laid on the table.

The report of the committee on Contingent Expenses in relation to the contracting for the Texas State Gazette, was read and adopted.

A bill to be entitled an act to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson; read second time and ordered to be engrossed.

The report of the majority of the committee on Privileges and Elections in relation to the contested election for Senator in the 11th Senatorial District, accompanied by a minority report and the resolution accompanying the report of the majority, were read.

On motion of Mr. Portis the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—quorum present.

Question on the adoption of the majority report of the committee on Privileges and Elections, relative to the contested election of Senator for the 11th Senatorial District. Mr. Portis

moved to recommit the petition and report to the committee on Privileges and Elections; upon which motion the yeas and nays were called and stood thus:

Yeas—Messrs. Portis and Robertson—2.

Nays—Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Taylor, Van Derlip, Walker and Wallace—15; lost. The question then recurred on the adoption of the report which was carried.

The resolution accompanying the majority report of the committee on Privileges and Elections, was then read and adopted.

Mr. Portis presented the petition of Mr. John B. Jones accompanied by certificate of his election as Senator from Galveston county, which were read and on motion of Mr. Portis referred to the committee on Privileges and Elections.

On motion of Mr. Phillips Mr. Pease, Senator from the 11th Senatorial District, came forward, took the oath prescribed by the Constitution and his seat.

The minority report of the committee on Privileges and Elections was read and on motion of Mr. Robertson laid on the table.

The President appointed Messrs. Robertson, Moffett, Brashear, Latimer and Kinney a committee on Federal Relations.

The report of the Judiciary committee on a resolution relative to the amendment of the Constitution, read, and on motion of Mr. Gage laid on the table.

Joint resolution relative to the amendment to the Constitution; read first time.

Joint resolution calling on the Secretary of State for certain information; read first time.

Mr. Taylor, from the committee on Engrossed Bills, reported as correctly engrossed "A bill to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson."

Mr. Moffett chairman of the committee on Engrossed Bills, reported a bill to incorporate the Austin College as correctly engrossed.

A bill to be entitled an act to provide for the payment of jurors; read second time, and, on motion of Mr. Wallace, referred to the Judiciary committee.

A bill to be entitled an act to incorporate the Austin College; read third time and passed by the following vote:

Yeas—Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Trait, Van Derlip and Wallace—16.

Nays—Mr. Walker—1.

Mr. Pease asked to be excused from voting for the reason that

he had just taken his seat and had had no opportunity to examine the provisions of the bill—excused.

On motion of Mr. Parker, Mr. Walker was added to the committee on Private Land Claims.

The President appointed Mr. Pease to occupy the position of Mr. Jones on the various standing committees.

On motion of Mr. Wallace the Senate adjourned until 10 o'clock to-morrow.

SATURDAY, 10 o'clock, A. M., November 10th, 1849.

The Senate was called to order by the President. The following Senators answered to their names :

Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Fruit, Van Derlip, Walker and Wallace—quorum present.

The Journals of the preceding day were read and adopted.

Mr. Gage Chairman of the Committee on Privileges and Elections made the following report :

To the Hon. JOHN A. GREER,
President of the Senate :

A majority of the committee on Privileges and Elections, to whom was referred the address of John B. Jones, Esq., to the Senate of the State of Texas, in which he claims a seat as Senator from Galveston county alone, and a certificate of the Chief Justice of said county, "that at an election holden in the county of Galveston, on the first Monday (sixth day) of August, 1849, for a *Senator* in the Legislature of the State of Texas, John B. Jones received for said office, two hundred and eighty eight votes," and that E. M. Pease received for said office, one hundred and seventy-five votes, respectfully report that under an arbitrary apportionment of Senators made by the constitution of the State, Galveston county was a Senatorial district, and so continued to be under the constitution "until the first enumeration as provided for" therein was made, and no longer.

The 31st section of the 3d article of the constitution, declares that the whole number of Senators shall at the *next* session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several *districts* to be